

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GREGORY EARL BOSTON,

Petitioner,

v.

No. 23-cv-217-KG-GBW

UNITED STATES MARSHALS,
UNITED STATES OF AMERICA,

Respondent.

ORDER OF DISMISSAL

This matter is before the Court *sua sponte* upon review of the docket. Petitioner Gregory Earl Boston commenced this case on March 14, 2023, by filing a Petition Under 28 U.S.C. § 2241 for Writ of Habeas Corpus. (Doc. 2) (the “Petition”). On August 11, 2023, the Court entered an Order to Cure Deficiency, requiring Petitioner to prepay the \$5.00 filing fee, or alternatively, file a motion to proceed *in forma pauperis* by September 11, 2023. (Doc. 3). Petitioner did not comply with, or otherwise respond to the Order, and the deadline has now passed. Additionally, a copy of the Order mailed to Petitioner at his address of record (the Lea County Detention Center) was returned as undeliverable, with a note indicating that petitioner had been released. Petitioner has not updated his address, as required by D.N.M. LR-Civ. 83.6. As Petitioner has severed contact, the Court will dismiss this case without prejudice under Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the ... court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).


UNITED STATES DISTRICT JUDGE